IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 11435 of 2005

For Approval and Signature:

HON'BLE MR JUSTICE MR SHAH

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1	Whether Reporters of Local Papers may be allowed to see the judgment ?
2	To be referred to the Reporter or not ?
3	Whether their Lordships wish to see the fair copy of the judgment ?
4	Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?
5	Whether it is to be circulated to the civil judge ?

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MOHAMMED SIDDHIQUE KASAMBHAI KHURESHI - Petitioner(s)

Versus

GOLDEN THEATERS - Respondent(s)

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Appearance :

MS HINA DESAI for Petitioner No(s).: 1.

MR SANJAY A MEHTA for Respondent No(s).: 1.

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CORAM :HON'BLE MR JUSTICE MR SHAH

Date : 01/07/2005

ORAL JUDGMENT

Rule. Mr. Sanjay A. Mehta, learned advocate waives service of Rule on behalf of respondent. In this petition under Article 226/227 of

the Constitution of India, the petitioner has challenged the legality and validity of the order passed by the Labour Court, Ahmedabad, dated 15.4.2004 below Exh. 49 in Reference No. 1200/1999 by which the application submitted by the respondent to allow their Advocate to appear is allowed.

2. It is not in dispute that there is no specific consent given by the workman to allow the respondent to represent through the Lawyer. Considering the provisions of sub-section (4) of Section 36 and the Judgment of the Hon'ble Supreme Court in the case of Paradip Port Trust, Paradip Vs. Their Workmen, reported in AIR 1977 S.C. Page 36, the impugned order passed by the Labour Court cannot sustain. In the facts and circumstances, the impugned order passed by the Labour Court, Ahmedabad, dated 15th April 2004 in Exh. 49 in Reference No. 1200/1999 is required to be quashed and set aside and is accordingly quashed and set aside. Rule is made absolute to the aforesaid extent with no order as to costs.

[M.R. Shah, J.]
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